

Message Text

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ORIGIN L-03

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ARA-06 EA-07 NEA-10 OIC-02 DPW-01 CIAE-00 PM-04
H-01 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
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FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY
INFO AMEMBASSY BONN PRIORITY
USMISSION NATO PRIORITY

C O N F I D E N T I A L STATE 063142

GENEVA FOR ALDRICH AND SOLF

E.O. 11652: GDS

TAGS: PFOR, PARM, NATO

SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL
-- HUMANITARIAN LAW

REF: A. GENEVA 2051 B. GENEVA 2052 C. GENEVA 2092

1. UK EMBASSY DELIVERED FOLLOWING DIPLOMATIC NOTE TO DEPT
ON MARCH 21 WHICH UK EMBOFF SAID SHOULD HAVE BEEN DELIVERED
OVER THREE WEEKS AGO. SINCE NOTE ADDRESSES MATTERS DEALT
WITH IN REFTELS, WE ARE REPEATING IT TO USDEL.
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2. BEGIN TEXT:

QUOTE

THE EMBASSY OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND PRESENTS ITS COMPLIMENTS TO THE DEPART-

MENT OF STATE AND HAS THE HONOUR TO CONSULT THEM IN THE FOLLOWING MATTER.

AT THE RECENT 'INNER CORE' MEETING IN BONN IN PREPARATION FOR THE FOURTH SESSION OF THE DIPLOMATIC CONFERENCE ON HUMANITARIAN LAW IN ARMED CONFLICT, THERE WAS CONSIDERABLE DISCUSSION OF THE MILITARY IMPLICATIONS OF THE

PROHIBITIONS AND RESTRICTIONS ON CERTAIN METHODS AND MEANS OF COMBAT INCLUDED IN SECTION I OF PART IV OF PROTOCOL I. HER MAJESTY'S GOVERNMENT ARE SYMPATHETIC TO THE CONCERNS EXPRESSED PARTICULARLY BY THE FEDERAL REPUBLIC OF GERMANY, BUT WISH FURTHER TO EXPLORE WITH 'INNER CORE' MEMBERS POSSIBLE METHODS OF AVOIDING THE POLITICAL AND OTHER DISADVANTAGES INHERENT IN MAKING FORMAL DECLARATIONS, CLEARLY AMOUNTING IN SUBSTANCE TO RESERVATIONS, ON SIGNATURE OR RATIFICATION THAT WOULD APPEAR TO CONTRADICT PROVISIONS WHICH ARE DESIGNED TO INCREASE PROTECTION OF THE CIVILIAN POPULATION. HER MAJESTY'S GOVERNMENT WOULD, IN PARTICULAR, WELCOME A FULLER EXCHANGE OF VIEWS ON THE POSSIBILITY OF DEALING WITH THE PROBLEM BY INTERPRETATIVE STATEMENTS IN APPROPRIATE TERMS ON THE RECORD IN PLENARY AT THE CONFERENCE, WHICH MIGHT PAVE THE WAY FOR FORMAL DECLARATIONS OF UNDERSTANDING, NOT EXPRESSED AS RESERVATIONS, ON SIGNATURE OR RATIFICATION.

ACCORDINGLY, HER MAJESTY'S GOVERNMENT ARE CIRCULATING THE ATTACHED DRAFT TEXT OF AN INITIAL INTERPRETATIVE STATEMENT TO 'INNER CORE' MEMBERS FOR THEIR CONSIDERATION. THE CONFIDENTIAL

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REPRESENTATIVES OF HER MAJESTY'S GOVERNMENT WILL SEEK REACTIONS TO THIS DRAFT IN THE MARGINS OF THE WEOG MEETING ON 14 AND 15 MARCH IN GENEVA.

THE EMBASSY OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

END QUOTE.

3. BEGIN TEXT OF UK PROPOSED INTERPRETIVE STATEMENT:

QUOTE

IT IS THE UNDERSTANDING OF (BLANK) THAT:

(A) THIS PROTOCOL DOES NOT PROHIBIT THE USE OF ANY SPECIFIC WEAPON. THE DEFINITION OF INDISCRIMINATE ATTACKS

CONTAINED IN PARAGRAPH 3 OF ARTICLE 46 IS NOT INTENDED TO MEAN THAT THERE ARE MEANS OR METHODS OF COMBAT THE USE OF WHICH WOULD INVOLVE AN INDISCRIMINATE ATTACK IN ALL CIRCUMSTANCES. RATHER, THE DEFINITION IS INTENDED TO TAKE ACCOUNT OF THE FACT THAT MEANS OR METHODS OF COMBAT WHICH CAN BE USED WHOLLY LEGITIMATELY IN SOME CIRCUMSTANCES COULD, IN OTHER CIRCUMSTANCES, HAVE EFFECTS WHICH WOULD BE CONTRARY TO SOME LIMITATIONS CONTAINED IN THIS PROTOCOL;

(B) THE WORD "FEASIBLE" WHEN USED IN THIS PROTOCOL IS INTENDED TO MEAN THAT WHICH IS PRACTICABLE OR PRACTICALLY POSSIBLE, TAKING INTO ACCOUNT ALL CIRCUMSTANCES EXISTING AT THE TIME INCLUDING THOSE RELEVANT TO THE SUCCESS OF MILITARY OPERATIONS;

(C) IN APPLYING THE PROVISIONS OF THIS PROTOCOL COMMANDERS AND OTHER RESPONSIBLE FOR PLANNING, DECIDING UPON OR

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EXECUTING ATTACKS ARE OF NECESSITY BOUND TO REACH THEIR DECISIONS ON THE BASIS OF THE INFORMATION AVAILABLE TO THEM AT THE RELEVANT TIME, FROM WHATEVER SOURCE THAT INFORMATION MAY COME;

(D) THE REFERENCES IN PARAGRAPHS 2(A)(III) AND (B) OF ARTICLE 50 (AND, BY CROSS-REFERENCE, IN PARAGRAPH 3(B) OF ARTICLE 46) OF THIS PROTOCOL TO THE MILITARY ADVANTAGE ANTICIPATED FROM AN ATTACK ARE IN THE CASE OF A LARGE-SCALE ATTACK INTENDED TO REFER TO THE ADVANTAGE ANTICIPATED FROM THE ATTACK CONSIDERED AS A WHOLE AND NOT FROM ISOLATED OR PARTICULAR PARTS OF THAT ATTACK.

END QUOTE.
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Message Attributes

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Copy: SINGLE
Sent Date: 22-Mar-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
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